

Application Number 	Application/Control No. 10/699,565	Applicant(s)/Patent under Reexamination DOMBROSKI ET AL.

Document Code - DISQ	Internal Document – DO NOT MAIL
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TERMINAL DISCLAIMER	<input type="checkbox"/> APPROVED	<input checked="" type="checkbox"/> DISAPPROVED
Date Filed : 19 Oct 2004	This patent is subject to a Terminal Disclaimer	

Approved/Disapproved by:
Patricia Volpe Paralegal Specialist 3600
No Power of Attorney in the file

T.D. INFORMAL MEMO: DO NOT MAIL THIS MEMO TO APPLICANT

DATE: 11/03/04

TO: EXAMINER: Jason Bellinger

FROM PARALEGAL SPECIALIST: Patricia Volpe

APPL. S.N.: 10/699,565

ART UNIT: 3617

Case Drop-Off Location: CPK5-8T01

SUBJECT: Decision on Terminal Disclaimer (T.D.) filed: NOT APPROVED

INSTRUCTIONS: I have reviewed the submitted T.D. with the results as set forth below. If you agree, please use the appropriate form paragraphs identified by this informal memo in your next Office action to notify applicant of the T.D. If you disagree or have any questions, please see me or the Special Program Examiner. THIS IS AN INFORMAL, INTERNAL MEMO ONLY IT MUST NOT BE (1) MAILED TO APPLICANT OR (2) PLACED OF RECORD IN THE APPLICATION FILE.

- The T.D. is PROPER and has been recorded (see §14.23).
- The T.D. is NOT PROPER and has not been accepted for the reason(s) checked below (see § 14.24):
 - The TD fee of _____ has not been submitted nor is there any authorization in the application file for the use of a deposit account (see § 14.26.07).
 - The T.D. does not satisfy Rule 321 in that the person who has signed the T.D. has not stated the extent of his/her interest (and/or the extent of the interest of the business entity represented by the signature) in the application/patent (see § 14.26 & 14.26.01).
 - The T.D. lacks the enforceable only during common ownership clause - needed to overcome a non-statutory double patenting rejection, Rule 321(b) (see § 14.27.01).
 - The T.D. is directed to a particular claim(s), which is not acceptable since "the disclaimer must be for a terminal portion of the terms of the entire patent to be granted" (MPEP 1490) (see § 14.26 & 14.26.02).
- The person who signed the T.D.:
 - is not an attorney "of record" (see § 14.29 and 14.29.01).
 - has failed to state his/her capacity to sign for the business entity (see § 14.28).
 - is not recognized as an officer of the assignee (see § 14.29 & possible 14.29.02).
- No documentary evidence of a chain of title from the original inventor(s) to assignee has been submitted, nor is the reel and frame number specified as to where such evidence is recorded in the Office (see 37 CFR 3.73(b) and 1140 O.G. 72). NOTE: This documentary evidence or the specifying of the reel and frame number may be found in the T.D. or in a separate paper of record in the application (see § 14.30).
- The T.D. is not signed (see § 14.26 & 14.26.03).
- The serial number of the application (or the number of the patent) which forms the basis for the double patenting rejection is missing or incorrect (see § 14.32).
- The serial number of this application (or the number of the patent in reexam or reissue cases being disclaimed) is missing or incorrect (see I T 14.26, 14.27.02 or 14.26.05).
- The period disclaimed is incorrect or not specified (see §§ 14.26, 14.27.02 or 14.26.03).
- Other: It appears that Power of Attorney hasn't been given to anyone, they have only submitted a correspondence address.